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GOVERNMENT NOTICE No. 36 published on 19/2/99

**THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT.**

(No. 8 OF 1982)

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**BY-LAWS**

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*Made under section 80*

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**THE SHINYANGA TOWN COUNCIL (ESTABLISHMENT AND MAINTENANCE OF  
WATER SOURCES AND ENVIRONMENT SANITATION) BY-LAWS, 1999**

1. These By-laws may be cited as **The Shinyanga Town Council  
(Establishment and Maintenance of Water Sources and Environment  
Sanitation) By-laws 1999.**

Citation  
and Title

*Shinyanga Town Council (Establishment and Maintenance of Water Sources and Environment Sanitation*

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G.N. No. 36 (contd.)

- Com-  
mence-  
ment
2. These By-laws shall be deemed to have come into effect after the approval of the Minister.
- Interpre-  
tation
3. In these By-laws:-  
"Council" means Shinyanga Town Council;  
"Village" means a village registered or not registered where water facilities are allocated;  
"Village Council" means in relation to a village, the village council of that village where water facilities are allocated. ;  
"Source of Water" For the purpose of these By-laws source of water means an improved well;  
"Water User Group" (WUG) means a group of individuals or house holds at the Village level whose membership is open and are voluntarily united to establish and develop the source of water and maintain environment sanitation.
- Recognized public institutions or socio-economic development groups can as well establish water user groups.
- "Water Facility" means an improved well fitted with a hand pump.  
"Special Register" means a Registerment for Registering water User Groups which are protected under these By-laws.
- Right to  
own and  
keep the  
water  
facility  
clean
4. Every water user group with a Certificate of Ownership, the sample of which is appended to this By-laws over that shallow well and which is registered in a special Register of the Council shall be the legal owner of the water facility and the area around that facility with a radius of between 6 to 10 meters and shall protect and keep their water facility clean and free from refuse and shall take all reasonable steps to guard it and prevent occupancy of any nuisance.
- Provided that every user group shall make memorandum or resolution to own, operate, maintain, protect, keep clean their sources of water and shall consider in their memorandum how to favour poorer strata of people in their vicinity.
- Obliga-  
tion of  
members
5. Members of the water user groups have to protect the assets belonging to the groups from theft or damage.

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*G.N. No. 36 (contd.)*

6. The Village Council shall advise, mobilize, support, protect and supervise the water user groups established in the village. It shall also be the duty of the Village council to receive and approve the memorandum of water user groups and ascertain whether they are smoothly implemented.

Duties and obligation of the village Council

Provided that in case of disapproval, the Village Council shall put in writing reasons for objections and forward them to the District Council for final decision.

7. (i) No person has the right to dispose of the assets of the group;
- (ii) No person shall claim title over any source of water except the members of the water source.

Right to dispose of the assets and to claim title over a source of water

8. No person will create nuisance of chaos at the source of water by disturbing the members of water user groups or persons who are entitled to collect water.

Creation of nuisance or chaos

9. No person shall be allowed to construct a pit latrine or any kind of refuse facility within 30 metres from the sources of water.

Construction of pit latrine or refuse facility

or any kind of grain or urinate, or deposit or cause to be deposited noxious matter or allow animals to drink water in a domestic water supply source or sources of water.

Depositing of noxious matter, wash of clothes, body etc

11. No person shall throw foul matter or thing or dirty water or allow any foul or thing or dirty water to flow into or upon any water supply sources or source of water.

Depositing of foul matter or dirty water

12. Ward Executive Officer or any officer authorised in writing by the Council may at any reasonable time enter upon any source of water established within that particular Ward for the purpose of inspection and ensuring compliance with the provision of this By-laws and for ascertaining whether water user groups are operating in accordance with the law and order of the country.

Power to enter and inspect

*Shinyanga Town Council (Establishment and Maintenance of Water Sources  
and Environment Sanitation*

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*G.N. No. 36 (contd.)*

13. Any person who will destroy or steal or tamper with a pump or any part of instrument from the source of water is guilty of an offence under these By-laws and shall be liable to a fine as prescribed under Act No. 8 of 1982 an imprisonment for a term not exceeding five months and upon serving that term shall be liable to pay back the destroyed or stolen or tampered pump or part or instrument at the current price.

Theft,  
destruction and  
Penalty

14. Any person who contravenes, fails, neglects to comply with any provision other than section 13 of these By-laws shall be guilty of an offence and shall be liable to the fine not exceeding Shs. 5,000/= or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Offence  
and  
Penalty

The Common Seal of the Shinyanga Town Council was affixed to these By-laws in pursuance of a meeting of the Council duly convened and held 27th January, 1999 and was affixed in the presence of:

G. M. MSUYA,  
*Town Director*

J. M. MATONDO,  
*Chairman*

I APPROVE

HON. KINGUNGE NGOMBALE-MWIRU (MP.),  
*Minister for Regional Administration*

Dodoma,

15th February, 1999

*and Local Government*